

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

CHEROKEE NATION,
CHICKASAW NATION, and
CHOCTAW NATION OF OKLAHOMA,

Intervenor Plaintiffs,

and

MUSCOGEE (CREEK) NATION,

Consolidated Plaintiff,

v.

MATTHEW BALLARD, District Attorney
for the Twelfth Prosecutorial District of
Oklahoma, in his official capacity,

Defendant.

Case No. 4:24-cv-00626-CVE-SH
(BASE FILE)

Consolidated with:
Case No. 4:25-cv-0050-CVE-SH

UNITED STATES' MOTION FOR STAY OF PROCEEDINGS

Plaintiff United States of America respectfully requests a 90-day stay of all proceedings in this case, including consideration of all pending motions, so that the parties may discuss potential settlement options.

This Court's authority to stay proceedings is "incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants." *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). When deciding whether to exercise its discretionary judgment to grant a stay, the Court should weigh competing interests and maintain an even balance. *Id.* at 254-55.

Here, a stay of 90 days, with the possibility for an extension of the stay period if the parties represent that substantial progress is being made towards settlement, would allow the parties to engage in focused and confidential settlement discussions within the protective scope of Federal Rule of Evidence 408. Such discussions may eliminate the need for further litigation and thereby conserve party and judicial resources. As the Tenth Circuit has recognized, the “inveterate policy of the law is to encourage, promote, and sustain the compromise and settlement of disputed claims.” *Am. Home Assurance Co. v. Cessna Aircraft Co.*, 551 F.2d 804, 808 (10th Cir. 1977) (cleaned up). If the requested stay is granted, we propose to present to the Court within 45 days of its entry of its stay order a joint report from the parties regarding the feasibility of further settlement talks. If these discussions suggest a reasonable prospect of settlement, such report will include a proposed process for further discussion, addressing *inter alia* confidentiality and orderly reports to the Court. If these discussions fail to indicate a reasonable prospect of settlement, the United States will promptly notify the Court and request that proceedings be resumed.

The United States first reached out to the parties regarding this Motion on Friday, June 6, 2025. Although lead counsel for District Attorney Matthew Ballard has been responsive throughout out-of-state travels, he has not yet been able to provide a position regarding the request. Intervenor Plaintiffs Cherokee Nation, Chickasaw Nation, and Choctaw Nation of Oklahoma, and Consolidated Plaintiff Muscogee (Creek) Nation, do not oppose the Motion.

DATED: June 13, 2025

Respectfully submitted,

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General

/s/ Cody McBride

CODY MCBRIDE
HILLARY HOFFMAN
United States Department of Justice
Environment & Natural Resources Division
Tribal Resources Section
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044
Tel.: (202) 514-6755 (McBride)
Tel.: (202) 598-3147 (Hoffman)
Fax: (202) 353-1156
cody.mcbride@usdoj.gov
hillary.hoffman@usdoj.gov

OF COUNSEL:
CONOR CLEARY, Field Solicitor, Tulsa Field Solicitor's Office
United States Department of the Interior
Office of the Solicitor

Attorneys for United States of America

CERTIFICATE OF SERVICE

I certify that on June 13, 2025, I electronically filed this document with the Clerk of the Court by using the CM/ECF system, which will serve and send a notice of electronic filing to all parties or their counsel of record.

/s/ Cody McBride
CODY MCBRIDE